IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3379/2005

(Narendra Kumar Sharma & Ors. Vs. State of Rajasthan & Ors.)

Date of Order : 17/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. M.A.Siddiqui for the petitioners.
Mr. S.M.Toshniwal on behalf of
Mr. N.M.Lodha, Addl. Advocate Genl. for respondents.

BY THE COURT:-

A joint writ petition has been filed by the eleven persons.

Heard learned counsel for the parties.

The petitioners have challenged the notice Annex.5 dated 25.5.2005 issued to the petitioner No.1 by the Addl. Chief Exeuctive Officer, Zila Parishad, Chittorgarh requiring him to show whether the petitioner was the intervenor before the Hon'ble Supreme Court in SLP No. 10778-81/2001. Learned counsel submits that similar notices have been issued to the other petitioners also, however, the same have not been placed

on record.

It appears that the petitioners have their own cause and it cannot be said that it is a same cause because all the petitioners claims to be appointed on the post of Teacher Gr.III on their statement to the authorities that they were intervenor in the aforesaid SLP before Hon'ble the Supreme Court. Vide the notice impugned, the petitioners have been called upon to place on record the documents showing that they were intervenor before Hon'ble Supreme Court in the said SLP. Instead of showing the documents to the authorities in response to the show cause notices, the petitioners have filed the instant writ petition. In my view, firstly a joint writ petition is not maintainable as there is no same cause and the petitioners have different cause seeking appointment on the post of Teacher Gr.III and secondly the writ petition is against the notices. It is always open for the petitioners to show the authorities by filing the documents that they were intervenor in the SLP. No adverse order has been passed. It is only the petitioners who are to satisfy the authorities concerned by filing the documents that they were intervenor. In the circumstances, therefore, no case for interference under Article 226 of the Constitution of India is made out.

The writ petition is therefore, dismissed. However, the petitioners are at liberty to file the relevant documents

sought by the respondents showing that they were the intervenor before Hon'ble Supreme Court in the aforesaid SLP within one month from today and till then, if the services of the petitioners have not been terminated, then their services shall not be terminated for a period of 30 days. The stay petition also stands dismissed. No order as to costs.

(H.R.PANWAR),J.

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